IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

Bail Appl..No. 4541 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.3608/2007
CRIME NO.351/07 OF KASARAGOD POLICE STATION

.....

: PETITIONER/ACCUSED NO.1

RAFEEQ, S/O.ABDULLA, CHENNIKARA,
NULLIPADY,KASARAGOD.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4541 of 2007

Dated this the 27th day of July, 2007

ORDER

Application for anticipatory bail. The petitioner is the 1st accused. He faces allegations, inter alia, under Sections 452 and 324 I.P.C. He apprehends imminent arrest as accused in the said crime.

2. The learned Public Prosecutor submits that the petitioner is not now required to be arrested by the investigator. Investigation is already complete. Final report has already been filed. The petitioner can now appear before the learned Magistrate and seek regular bail, it is submitted.

3. In the light of the submissions of the learned Public Prosecutor , I am satisfied that this petition can now be dismissed subject to appropriate observations. It is not necessary to issue any directions under Section 438 Cr.P.C in the facts and circumstances to which I have briefly referred above.

4. This application for anticipatory bail is, in these circumstances, dismissed. I may however hasten to observe that if the petitioner surrenders before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously-on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-